



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 16, 1998

Mr. Frank Crull
Assistant General Counsel
Texas Department of Public Safety
5805 N. Lamar Blvd.
Austin, Texas 78773-0001

OR98-2203

Dear Mr. Crull:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 118445.

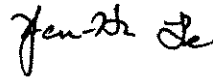
The Texas Department of Public Safety (the "department") received an open records request for records pertaining to the department's investigation of a fire in Cotulla, Texas. You contend that the requested information is excepted from required public disclosure pursuant to sections 552.103 and 552.108 of the Government Code.

Section 552.108(a)(1) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Because you have informed us that the records at issue pertain to a pending criminal investigation and prosecution, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. You therefore may withhold most of the requested information at this time pursuant to section 552.108(a)(1).

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Nor may such information be withheld pursuant to section 552.103. *See* Open Records Decision No. 597 (1991). Consequently, the department must release these types of information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen Ha Le
Assistant Attorney General
Open Records Division

YHL/RWP/nc

Ref.:ID # 118445

Enclosures: Submitted documents

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cc: Mr. Ronald F Rankin
Union Pacific Railroad Company
4400 Piedras Drive South- Ste. 120
San Antonio Texas 78228
(w/o enclosures)